

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

BIG LOTS, INC., *et al.*,

Debtors.¹

Chapter 11

Case No. 24-11967 (JKS)

(Jointly Administered)

**NOTICE OF AGENDA FOR HEARING SCHEDULED
FOR DECEMBER 19, 2024, AT 1:00 P.M. (ET)**

This proceeding will be conducted **in-person** in Courtroom 6. All counsel and witnesses are expected to attend unless permitted to appear remotely via Zoom. Please refer to Judge Stickles' Chambers Procedures (<https://www.deb.uscourts.gov/content/judge-j-kate-stickles>) and the Court's website (<http://www.deb.uscourts.gov/ecourt-appearances>) for information on who may participate remotely, the method of allowed participation (video or audio), Judge Stickles' expectations of remote participants, and the advance registration requirements.

Registration is required in advance of the hearing unless otherwise noticed using the eCourtAppearances tool available on the Court's website.

RESOLVED MATTERS

1. Motion of Govind Dayana d/b/a/ Nandini Textiles, Ltd. for an Order Compelling Payment of Administrative Expenses ([D.I. 1113](#), filed 11/15/24).

Objection Deadline: November 14, 2024, at 4:00 p.m. (ET).

Responses Received: None.

¹ The debtors and debtors in possession in these chapter 11 cases, along with the last four digits of their respective employer identification numbers, are as follows: Great Basin, LLC (6158); Big Lots, Inc. (9097); Big Lots Management, LLC (7948); Consolidated Property Holdings, LLC (0984); Broyhill LLC (7868); Big Lots Stores - PNS, LLC (5262); Big Lots Stores, LLC (6811); BLBO Tenant, LLC (0552); Big Lots Stores - CSR, LLC (6182); CSC Distribution LLC (8785); Closeout Distribution, LLC (0309); Durant DC, LLC (2033); AVDC, LLC (3400); GAFDC LLC (8673); PAFDC LLC (2377); WAFDC, LLC (6163); INFDC, LLC (2820); Big Lots eCommerce LLC (9612); and Big Lots F&S, LLC (3277). The address of the debtors' corporate headquarters is 4900 E. Dublin-Granville Road, Columbus, OH 43081.

Related Documents:

- a) Re-Notice of Motion of Govind Dayana d/b/a/ Nandini Textiles, Ltd. for an Order Compelling Payment of Administrative Expenses ([D.I. 1217](#), filed 11/21/24).
- b) Notice of Withdrawal of Application of Govind Dayama d/b/a Nandini Textile for an Order Compelling Payment of Administrative Expense ([D.I. 1298](#), filed 12/3/24).

Status: This matter was withdrawn.

- 2. Debtors' Motion for Entry of an Order Authorizing the Filing Under Seal Exhibits Attached to the Declaration of Adam L. Shpeen in Support of Debtors' Response to (A) Emergency Motions to Extend the Challenger Deadline, (B) Supplemental Limited Objection of the Official Committee of Unsecured Creditors to Proposed Sale of Substantially All of the Debtors' Assets, and (C) Motion of the Official Committee of Unsecured Creditors to Shorten Notice and Schedule Expedited Hearing ([D.I. 1294](#), filed 12/2/24).

Objection Deadline: December 12, 2024, at 4:00 p.m. (ET).

Responses Received: None.

Related Documents:

- a) Order Authorizing the Filing Under Seal Exhibits Attached to the Declaration of Adam L. Shpeen in Support of Debtors Response to (A) Emergency Motions to Extend the Challenge Deadline, (B) Supplemental Limited Objection of the Official Committee of Unsecured Creditors to Proposed Sale of Substantially all of the Debtors Assets, and (C) Motion of the Official Committee of Unsecured Creditors to Shorten Notice and Schedule Expedited Hearing ([D.I. 1349](#), entered 12/13/24).

Status: An order has been entered with respect to this matter. No hearing is necessary.

- 3. Motion of Debtors for Entry of an Order Extending the Debtors' Time to File Notices of Removal of Claims and Cause of Action Related to the Debtors' Chapter 11 Cases ([D.I. 1314](#), filed 12/5/24).

Objection Deadline: December 12, 2024, at 4:00 p.m. (ET).

Responses Received: None.

Related Documents:

- a) Order Extending the Debtors Time to File Notices of Removal of Claims and Causes of Action Related to the Debtors Chapter 11 Cases ([D.I. 1348](#), entered 12/13/24).

Status: An order has been entered with respect to this matter. No hearing is necessary.

ADJOURNED MATTERS

4. Motion of Debtors for Entry of Orders (I) (A) Approving Bidding Procedures for Sale of Debtors' Assets, (B) Approving the Stalking Horse Bid Protections, (C) Scheduling Auction for, and Hearing to Approve, Sale of Debtors' Assets, (D) Approving Form and Manner of Notices of Sale, Auction, and Sale Hearing, and (E) Approving Assumption and Assignment Procedures, (II) (A) Approving Sale of Debtors' Assets Free and Clear of Liens, Claims, Interests, and Encumbrances and (B) Authorizing Assumption and Assignment of Executory Contracts and Unexpired Leases, and (III) Granting Related Relief ([D.I. 18](#), filed 9/9/24).

Objection Deadline: November 6, 2024, at 4:00 p.m. (ET).

Cure Objections Received:

- a) See **Exhibit A**.

Adequate Assurance Objections Received:

- a) See **Exhibit B**.

Key Related Documents:

- a) Declaration of Adam Rifkin in Support of Motion of Debtors for Entry of Orders (I) (A) Approving Bidding Procedures for Sale of Debtors' Assets, (B) Approving the Stalking Horse Bid Protections, (C) Scheduling Auction for, and Hearing to Approve, Sale of Debtors' Assets, (D) Approving Form and Manner of Notices of Sale, Auction, and Sale Hearing, and (E) Approving Assumption and Assignment Procedures, (II) (A) Approving Sale of Debtors' Assets Free and Clear of Liens, Claims, Interests, and Encumbrances and (B) Authorizing Assumption and Assignment of Executory Contracts and Unexpired Leases, and (III) Granting Related Relief ([D.I. 197](#), filed 9/17/24).
- b) Notice of Potential Assumption and Assignment of Executory Contracts or Unexpired Leases and Cure Amount ([D.I. 511](#), filed 10/16/24).
- c) Order (I) Approving Bidding Procedures for Sale of Debtors' Assets, (II) Approving the Stalking Horse Bid Protections, (III) Scheduling Auction for, and Hearing to Approve, Sale of Debtors' Assets, (IV) Approving Form and Manner of Notices of Sale, Auction, and Sale Hearing, (V) Approving Assumption and Assignment Procedures, and (VI) Granting Related Relief ([D.I. 612](#), entered 10/25/24) (the "**Bidding Procedures Order**").
- d) Notice of Successful Bidder for the Sale of the Debtors' Assets ([D.I. 661](#), filed 10/30/24).

- e) Notice of Proposed Assumption and Assignment of Executory Contracts or Unexpired Leases and Cure Amounts ([D.I. 683](#), filed 10/31/24).
- f) Notice of Filing of Designation Right Amendment to the APA ([D.I. 1210](#), filed 11/21/24).
- g) Order (I) Approving the Asset Purchase Agreement, (II) Authorizing and Approving the Sale of Certain of the Debtors' Assets Free and clear of All Claims, Liens, Rights, Interests, Encumbrances, and Other Assumed Liabilities and Permitted Encumbrances, (III) Authorizing and Approving the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases, and (IV) Granting Related Relief ([D.I. 1232](#), entered 11/22/24).

Status: The Debtors seek to adjourn this matter.

- 5. Cicero 8148 LLC's Motion to Compel Immediate Rejection of Lease, Payment of Postpetition Rent, Allowance and Payment of Administrative Claims, and Related Relief ([D.I. 588](#), filed 10/18/24).

Objection Deadline: November 1, 2024, at 4:00 p.m. (ET); extended for the Debtors to November 8, 2024.

Responses Received: Informal comments received from the Debtors.

Related Documents: None.

Status: This matter has been adjourned to the hearing scheduled for January 21, 2024, at 1:00 p.m. (ET).

- 6. Gerald Bogle's Motion for Relief from the Automatic Stay ([D.I. 672](#), filed 10/31/24).

Objection Deadline: November 14, 2024, at 4:00 p.m. (ET); extended to November 18, 2024, at 4:00 p.m. (ET).

Responses Received: None.

Related Documents: None.

Status: This matter is adjourned to the hearing scheduled for January 21, 2024, at 1:00 p.m. (ET).

- 7. Motion of T'Ron Bowie for Order Granting Relief from the Automatic Stay ([D.I. 1032](#), filed 11/7/24).

Objection Deadline: November 14, 2024, at 4:00 p.m. (ET).

Responses Received:

- a) Debtors' Omnibus Objection to Motions for Relief from Automatic Stay Under Section 362 of the Bankruptcy Code ([D.I. 1103](#), filed 11/14/24).
- b) Declaration of Jonathan Caruso in Support of Debtors' Omnibus Objection to Motions for Relief from Automatic Stay Under Section 362 of the Bankruptcy Code ([D.I. 1352](#), filed 12/16/24).

Related Documents:

- a) Exhibits to Motion of T'Ron Bowie for Order Granting Relief from the Automatic Stay ([D.I. 1034](#), filed 11/7/24).

Status: This matter has been adjourned to a date to be determined.

- 8. Motion of Maureen Scullon to Modify the Automatic Stay Pursuant to Section 362(d) of the Bankruptcy Code ([D.I. 1256](#), filed 11/27/24).

Objection Deadline: December 12, 2024, at 4:00 p.m. (ET).

Responses Received: None.

Related Documents: None.

Status: This matter is adjourned to the hearing scheduled for January 21, 2024, at 1:00 p.m. (ET). The Debtors anticipate resolving this matter consensually and filing a proposed order under certification of counsel.

MATTERS UNDER CERTIFICATION

- 9. Motion to Allow Late Filing of Cure Objection ([D.I. 1102](#), filed 11/14/24).

Objection Deadline: November 28, 2024, at 4:00 p.m. (ET).

Responses Received: None.

Related Documents:

- a) Certificate of No Objection Regarding Motion to Allow Late Filing of Cure Objection ([D.I. 1286](#), filed 11/30/24).

Status: On November 30, 2024, Jewell Square, RLLP submitted a certificate of no objection with respect to this matter. Accordingly, a hearing on this matter is only necessary if the Court has questions.

10. Motion of Calitex, LLC and Vanyarmouth, LLC for Order Granting Relief from the Automatic Stay ([D.I. 1308](#), filed 12/5/24).

Objection Deadline: December 12, 2024, at 4:00 p.m. (ET).

Responses Received: None.

Related Documents:

- a) Certification of Counsel for Stipulation Regarding Resolution of Motion of Calitex, LLC and Vanyarmouth, LLC for Order Granting Relief from the Automatic Stay ([D.I. 1328](#), filed 12/12/24).

Status: On December 12, 2024, the movants filed a certification of counsel with respect to this matter. Accordingly, a hearing on this matter is only necessary if the Court has questions.

UNCONTESTED MATTER GOING FORWARD

11. Motion to File Under Seal the Supplemental Declaration of Cliff Zucker in Support of the Application Order Under Bankruptcy Code Section 1103 Authorizing the Employment and Retention of FTI Consulting, Inc. as Financial Advisor for the Official Committee of Unsecured Creditors Effective as of September 25, 2024 ([D.I. 1207](#), filed 11/20/24).

Objection Deadline: December 4, 2024, at 4:00 p.m. (ET).

Responses Received: None.

Related Documents:

- a) [SEALED] Supplemental Declaration of Cliff Zucker in Support of the Application Order Under Bankruptcy Code Section 1103 Authorizing the Employment and Retention of FTI Consulting, Inc. as Financial Advisor for the Official Committee of Unsecured Creditors Effective as of September 25, 2024 (D.I. 1115, filed 11/15/24).
- b) [REDACTED] Supplemental Declaration of Cliff Zucker in Support of the Application Order Under Bankruptcy Code Section 1103 Authorizing the Employment and Retention of FTI Consulting, Inc. as Financial Advisor for the Official Committee of Unsecured Creditors Effective as of September 25, 2024 ([D.I. 1209](#), filed 11/20/24).

Status: This matter is going forward on an uncontested basis.

MATTERS GOING FORWARD

12. Motion of Judith Owczarkowski, as Administratrix for the Estate of Norman Owczarkowski for Relief from the Automatic Stay under Section 362 of the Bankruptcy Code and Waiver of Fourteen Day Stay Imposed by Rule 4001 (a)(3) ([D.I. 414](#), filed 10/4/24).

Objection Deadline: October 25, 2024, at 4:00 p.m. (ET); extended for the Debtors to November 14, 2024.

Responses Received:

- a) Debtors' Omnibus Objection to Motions for Relief from Automatic Stay Under Section 362 of the Bankruptcy Code ([D.I. 1103](#), filed 11/14/24).

Related Documents:

- a) Declaration of Jonathan Caruso in Support of Debtors' Omnibus Objection to Motions for Relief from Automatic Stay Under Section 362 of the Bankruptcy Code ([D.I. 1352](#), filed 12//16/24).

Status: This matter is going forward. The Debtors intend to submit the testimony of Jonathan Caruso by declaration.

13. Motion for Relief from Bankruptcy Automatic Stay to Proceed Against Insurance Proceeds ([D.I. 674](#), filed 10/31/24).

Objection Deadline: November 14, 2024, at 4:00 p.m. (ET).

Responses Received:

- a) Debtors' Omnibus Objection to Motions for Relief from Automatic Stay Under Section 362 of the Bankruptcy Code ([D.I. 1103](#), filed 11/14/24).

Related Documents:

- a) Notice of Hearing in Support of Motion for Relief from Stay ([D.I. 858](#), filed 11/4/24).
- b) Declaration of Jonathan Caruso in Support of Debtors' Omnibus Objection to Motions for Relief from Automatic Stay Under Section 362 of the Bankruptcy Code ([D.I. 1352](#), filed 12//16/24).

Status: This matter is going forward. The Debtors intend to submit the testimony of Jonathan Caruso by declaration.

14. Motion for Relief from Bankruptcy Automatic Stay to Proceed Against Insurance Proceeds ([D.I. 676](#), filed 10/31/24).

Objection Deadline: November 14, 2024, at 4:00 p.m. (ET).

Responses Received:

- a) Debtors' Omnibus Objection to Motions for Relief from Automatic Stay Under Section 362 of the Bankruptcy Code ([D.I. 1103](#), filed 11/14/24).
- b) Declaration of Jonathan Caruso in Support of Debtors' Omnibus Objection to Motions for Relief from Automatic Stay Under Section 362 of the Bankruptcy Code ([D.I. 1352](#), filed 12//16/24).

Related Documents:

- a) Notice of Hearing in Support of Motion for Relief from Stay ([D.I. 861](#), filed 11/4/24).

Status: This matter is going forward. The Debtors intend to submit the testimony of Jonathan Caruso by declaration.

15. Fourth Notice of (A) Bid Deadline, (B) Sale Hearing, and (C) Potential Assumption and Assignment of Certain Unexpired Leases ([D.I. 1236](#), filed 11/25/24).

Objection Deadline: December 12, 2024, at 4:00 p.m. (ET), extended for the Debtors until December 13, 2024.

Responses Received:

- a) Objection of Boone Investment Group, LLC to Debtors' Fourth Notice of (A) Bid Deadline, (B) Sale Hearing, and (C) Potential Assumption and Assignment of Certain Unexpired Leases ([D.I. 1288](#), filed 12/2/24).
- b) Objection of B & B Cash Grocery Stores, Inc. to Debtors' Fourth Notice of (A) Bid Deadline, (B) Sale Hearing, and (C) Potential Assumption and Assignment of Certain Unexpired Leases ([D.I. 1324](#), filed 12/11/24).
- c) Limited Objection and Reservation of Rights of WPG Legacy, LLC To the Assumption and Assignment of Lease Pursuant To the Lease Sale Procedures ([D.I. 1325](#), filed 12/11/24).
- d) Limited Objection and Reservation of Rights of the Kin Landlords to Debtors' Fourth Notice of Successful Bidders with Respect to the Auction of Certain of the

Debtors' Lease Assets and Assumption and Assignment of Certain Unexpired Leases ([D.I. 1329](#), filed 12/12/24).

- e) Objection of Loop 288 Properties, LLC to Fourth Notice of (A) Bid Deadline, (B) Sale Hearing, and (C) Potential Assumption and Assignment of Certain Unexpired Leases ([D.I. 1330](#), filed 12/12/24).
- f) Amended Objection of Landlord Cielo Paso Parke Green, LP to Debtors Proposed Assumption and Assignment of Certain Unexpired Leases ([D.I. 1331](#), filed 12/12/24).
- g) Limited Objection and Reservation of Rights to the Assumption and Assignment of Lease Pursuant to the Lease Sales Procedures ([D.I. 1337](#), filed 12/12/24).
- h) Objection of 5620 Nolensville Pike, LLC to Proposed Assignment of Lease to Burlington Coat Factory Warehouse Corporation ([D.I. 1346](#), filed 12/13/24).
- i) Ross Stores, Inc.'s Objection to Debtors' Fourth Notice of Successful Bidders with Respect to the Auction of Certain of the Debtors' Lease Assets and Assumption and Assignment of Certain Unexpired Leases ([D.I. 1350](#), filed 12/13/24).

Related Documents:

- a) Notice of Abandonment, Utilization and Disposal of Personal Property on Certain of the Debtors' Leased Premises Sold Pursuant to the December Wave Lease Sales ([D.I. 1237](#), filed 11/25/24).
- b) Notice of Potential Utilization and Disposal of Personal Property on Certain of the Debtors' Leased Premises Sold Pursuant to the December Wave Lease Sales ([D.I. 1238](#), filed 11/25/24).
- c) Fourth Notice of Successful Bidders with Respect to the Auction of Certain of the Debtors' Lease Assets and Assumption and Assignment of Certain Unexpired Leases ([D.I. 1312](#), filed 12/5/24).

Status: This matter is going forward. The Debtors anticipate filing a motion for leave to file a reply and a proposed form of order in advance of the hearing.

- 16. Attic Products, Dan Dee International, LLC, and Dewan & Sons' Motion for Allowance and Payment of Administrative Claims ([D.I. 1259](#), filed 11/27/24).

Objection Deadline: December 11, 2024, at 4:00 p.m. (ET), extended for the Debtors until December 16, 2024, at 4:00 p.m. (ET).

Responses Received:

- a) Debtors' Objection to Attic Products, Dan Dee International, LLC, and Dewan & Sons' Motion for Allowance and Payment of Administrative Claims ([D.I. 1356](#), filed 12/16/24).

Related Documents: None.

Status: This matter is going forward.

17. Motion of the Official Committee of Unsecured Creditors to (I) Enforce the Final DIP Order and Compel Payment of Stub Rent and Section 503(b)(9) Claims, or (II) in the Alternative, Convert These Cases to Cases Under Chapter 7 of the Bankruptcy Code ([D.I. 1360](#), filed 12/16/24).

Objection Deadline: December 19, 2024, at 9:30 a.m. (ET).

Responses Received: None at this time.

Related Documents:

- a) Motion of the Official Committee of Unsecured Creditors to Shorten Notice Period with Respect to Motion of the Official Committee of Unsecured Creditors to (I) Enforce the Final DIP Order and Compel Payment of Stub Rent and Section 503(b)(9) Claims, or (II) in the Alternative, Convert These Cases to Cases Under Chapter 7 of the Bankruptcy Code ([D.I. 1361](#), filed 12/16/24).
- b) Order Granting Motion of the Official Committee of Unsecured Creditors to Shorten Notice Period with Respect to Motion of the Official Committee of Unsecured Creditors to (I) Enforce the Final DIP Order and Compel Payment of Stub Rent and Section 503(b)(9) Claims, or (II) in the Alternative, Convert These Cases to Cases Under Chapter 7 of the Bankruptcy Code ([D.I. 1366](#), entered 12/17/24).

Status: This matter is going forward.

MATTERS REQUESTED TO GO FORWARD

18. Request for Status Conference ([D.I. 1353](#), filed 12/16/24).

Objection Deadline: Not Applicable.

Responses Received: None.

Related Documents: None.

Status: This status conference will go forward if the Court so directs.

[Remainder of Page Intentionally Left Blank]

Dated: December 17, 2024
Wilmington, Delaware

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Daniel B. Butz

Robert J. Dehney, Sr. (No. 3578)
Andrew R. Remming (No. 5120)
Daniel B. Butz (No. 4227)
Tamara K. Mann (No. 5643)
Sophie Rogers Churchill (No. 6905)
1201 N. Market Street, 16th Floor
Wilmington, DE 19801
Tel: (302) 658-9200
rdehney@morrisnichols.com
aremming@morrisnichols.com
dbutz@morrisnichols.com
tmann@morrisnichols.com
srchurchill@morrisnichols.com

-and-

DAVIS POLK & WARDWELL LLP

Brian M. Resnick (admitted *pro hac vice*)
Adam L. Shpeen (admitted *pro hac vice*)
Stephen D. Piraino (admitted *pro hac vice*)
Jonah A. Peppiatt (admitted *pro hac vice*)
Ethan Stern (admitted *pro hac vice*)
450 Lexington Avenue
New York, NY 10017
Tel.: (212) 450-4000
brian.resnick@davispolk.com
adam.shpeen@davispolk.com
stephen.piraino@davispolk.com
jonah.peppiatt@davispolk.com
ethan.stern@davispolk.com

Counsel to the Debtors and Debtors in Possession